

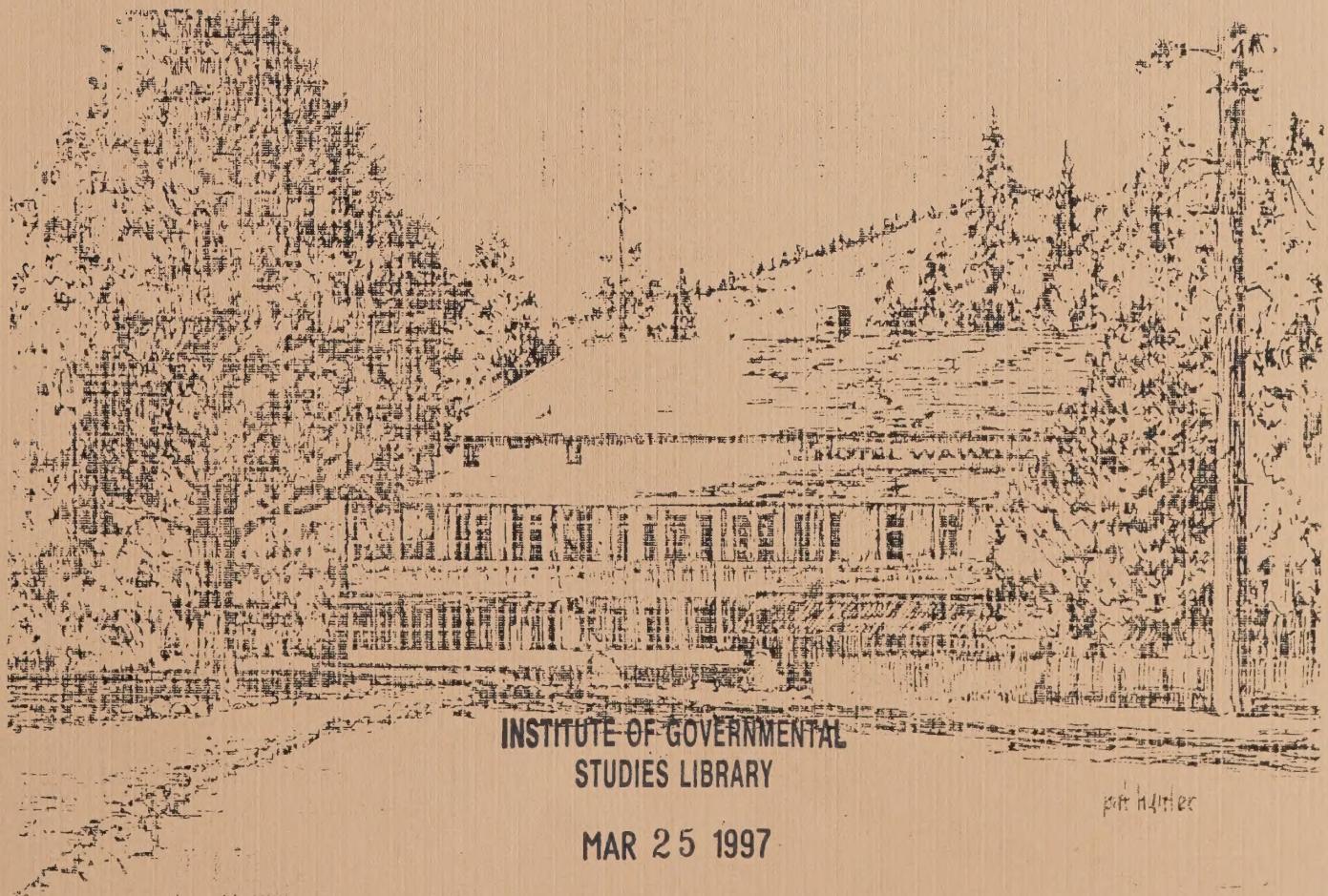
97 00395

WAWONA

Town Planning Area

SPURGEON PLAN

LAND USE POLICIES AND
STANDARDS ELEMENT



INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY

pat harter

MAR 25 1997

UNIVERSITY OF CALIFORNIA

Adopted October 13, 1987

MARIPOSA COUNTY

Amended March 27, 1990

AMENDED NOVEMBER 19, 1991

91-555

ACKNOWLEDGEMENTS

MARIPOSA COUNTY BOARD OF SUPERVISORS

Arthur Baggett, Jr.
Beverly Barrick
Eugene Dalton, Jr.
Eric Erickson

William Moffitt
Leroy Radanovich
Gertrude Taber

Jeffrey G. Green, County Counsel

MARIPOSA COUNTY PLANNING COMMISSION

Lou Bittner
Sam Chernoff
Charles Fall
Roger Grammer
Michael Hackleman
Janice Hickman
Edna Hotchkin

James Kendrick
Christine Lake
Rita Martini
George P. Radanovich
H. Forbes Simpson
Donald Starchman
Wallace Stovall

WAWONA TOWN PLANNING ADVISORY COMMITTEE

Maryjane Ehrman
Marie Escola
Ned McKinney
Pat May
Elaine Minch
Dan Nelson
Doyle Nelson

John Singer
Joachim Stenzel
George Thomas
Mariel "Scoop" Tullis
Doug Vagim
Diane Wainman
Ed Warne

NATIONAL PARK SERVICE, YOSEMITE NATIONAL PARK

Paul Anderson
Kathleen Hull
Dick Riegelhuth

- Wawona District Ranger
- Project Archaeologist
- Chief Resources Manager

John M. Morehead, Superintendent

PLANNING STAFF

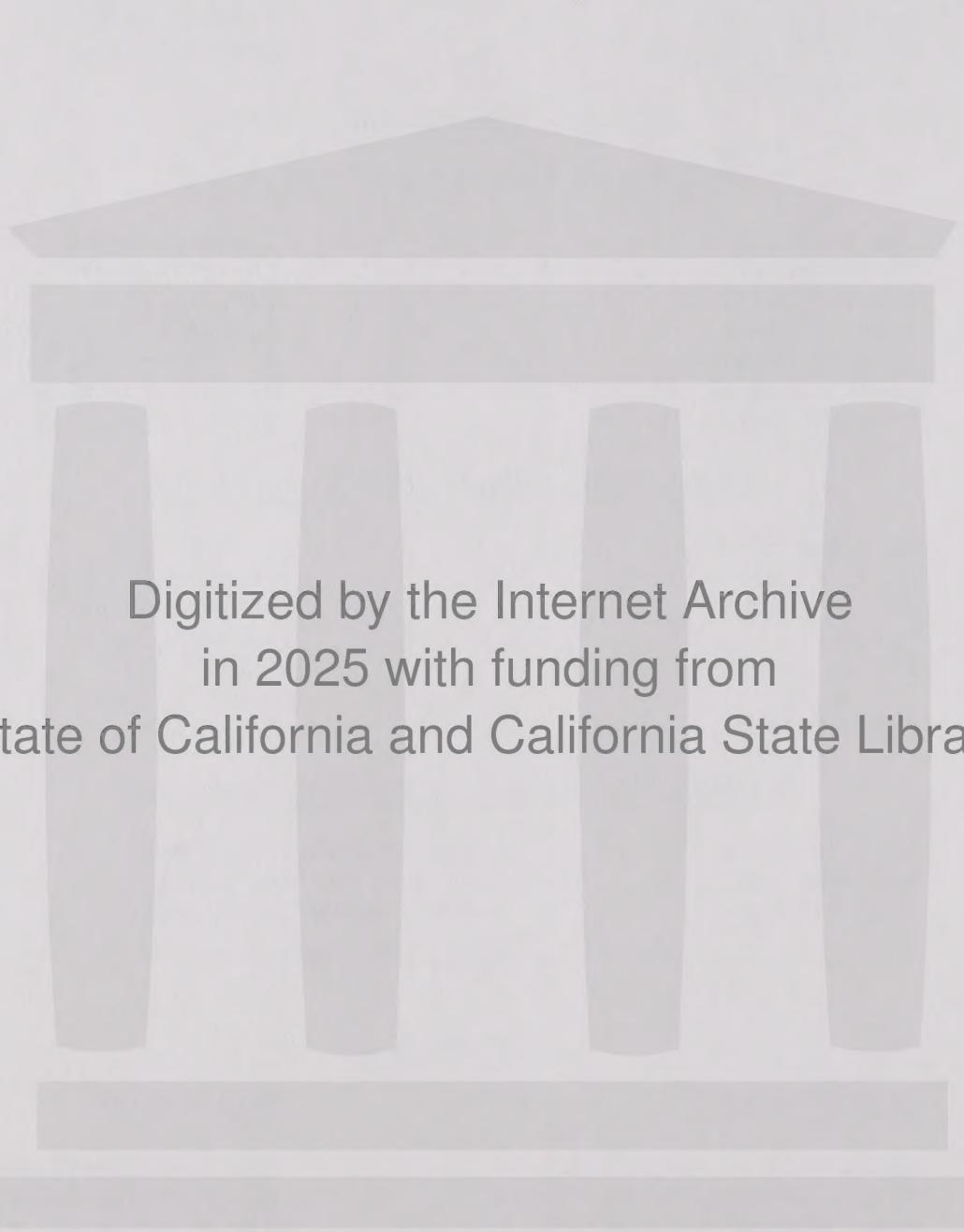
PRESENT STAFF

Larry Red - Director
Tony Lashbrook-Senior Planner
Susan Perong - Planner II
Duane Hall - Intern
Betty Crisp - Administrative Aide
Nancy Hubert - Secretary

FORMER STAFF

Bob Borchard-Planner/Grantsman
Larry Enrico-Associate Planner
Jim McKenzie-Planner II
Ken Trujillo-Drafting Technician

COVER ART: Reproduction of "The Wawona Hotel"
Courtesy of Pat Hunter



Digitized by the Internet Archive
in 2025 with funding from
State of California and California State Library

<https://archive.org/details/C124916809>

WAWONA TOWN PLANNING AREA
SPECIFIC PLAN
LAND USE POLICIES AND STANDARDS ELEMENT

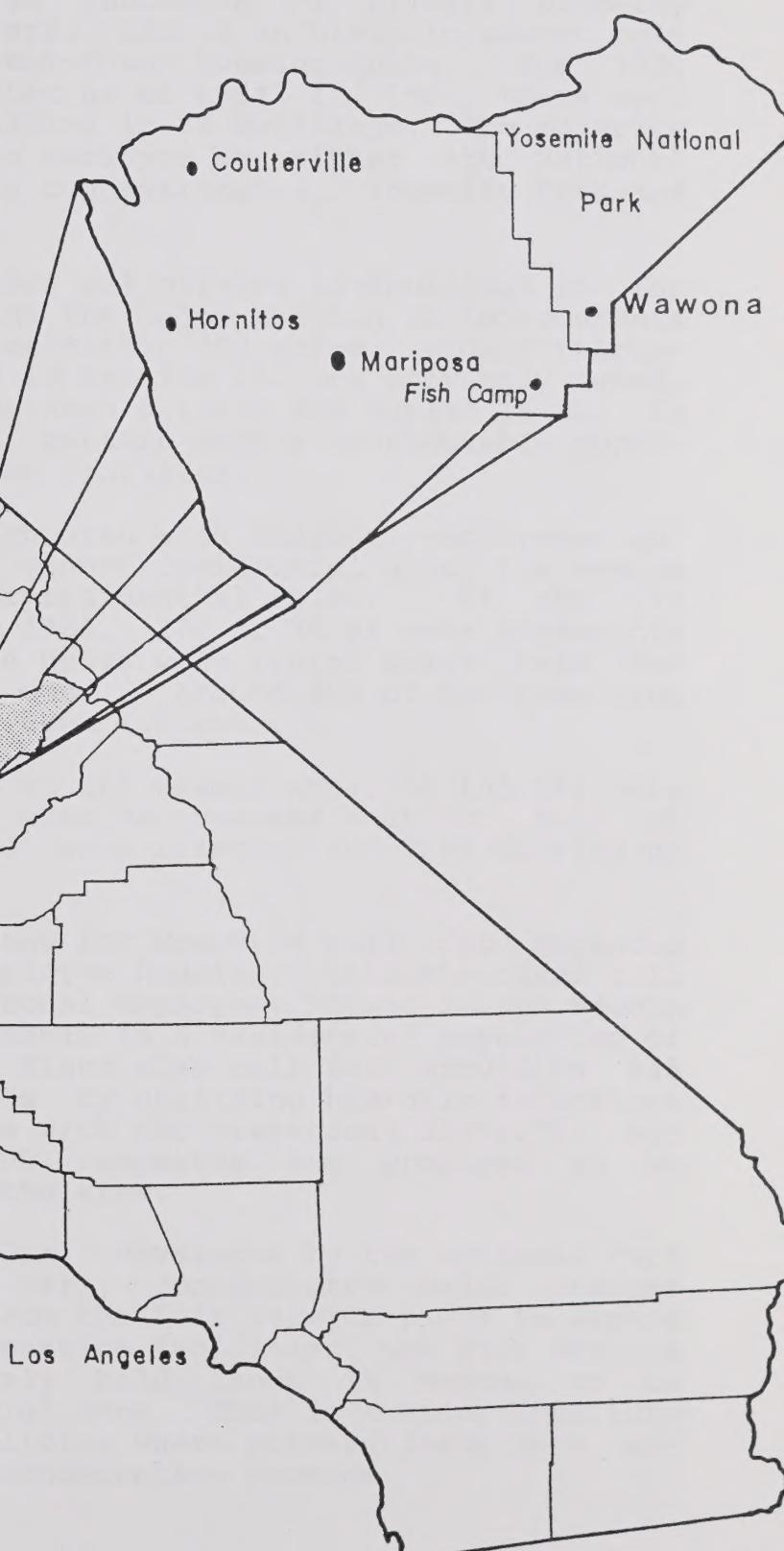
TABLE OF CONTENTS

	page
I. BACKGROUND	1
A. Introduction	1
B. Problem Description	3
II. DEVELOPMENT POLICIES	5
III. GENERAL PROVISIONS	6
IV. DEFINITIONS	7
V. MOUNTAIN RESIDENTIAL DISTRICT	9
A. Uses and Standards	9
B. Special Residential Use Standards	11
VI. LIMITED COMMERCIAL DISTRICT	13
VII. ENVIRONMENTAL PROTECTION/FLOODPLAIN DISTRICTS	14
VIII. REGULATIONS APPLICABLE TO ALL USE DISTRICTS	15
A. Water and Sewer Services	15
B. Signs	15
C. Non-conforming Uses	16
D. Extraction of Natural Resources	17
E. Fencing Standards	17
F. Lighting Standards	18
IX. USE PERMITS	18
X. VARIANCES	20
XI. BUILDING PERMITS	22
XII. VIOLATION OF REGULATIONS	22
XIII. APPEALS	23
XIV. IMPLEMENTATION PROCESS	27
XV. AMENDMENTS	27
XVI. APPENDICES	
A. Exhibit A - Land Use District Map	
B. Exhibit B - Floodplain District Map	
C. Mariposa County Resolution No. 87-399	
D. Mariposa County Resolution No. 87-400	
E. Mariposa County Ordinance No. 697	
F. Mariposa County Ordinance No. 698	

LOCATION OF
MARIPOSA COUNTY



scale of miles
0 20 40 60 80



I. BACKGROUND

A portion of Wawona is an inholding of private property within Yosemite National Park, and is an historic resort community of approximately 350 year-round housing units. The 1980 Census (P-ED 479) indicates that as of April 1, 1980, there were 176 residents in the area residing in 84 dwellings. The majority of the permanent residents are employed by either the National Park Service or the Yosemite Concessionaire, Yosemite Park and Curry Company.

Section 35, which is where all private landholdings in the community are located, contains the major portion of improvements located in the region. Approximately 200 acres, around thirty-one percent (31%) of the land in Section 35, are privately owned. The land ownership pattern, between private and public lands, is generally in a "checkerboard" pattern with a considerable potential for public and private use conflicts.

As might be expected in an area with seasonal employment opportunities and predominantly resort residential uses, the Wawona area has a high rate of vacant residential units. Of the 358 year-round housing units in 1980, 274 or 76.5% were seasonably occupied. Over half of these units were rental units held for occasional or recreational use. Around 40% of the remaining vacant units were listed as vacant for rent.

Of the 84 occupied units in the Wawona area, 55 (65.5%) were renter occupied. Again, it must be presumed that the bulk of these renter occupied units were reserved for Park Service or Curry Company personnel.

National Park Service plans for Yosemite call for expanded use of the Wawona area for employee housing. Ultimate plans call for 120 permanent and 320 seasonal employees housed in the Wawona area which is expected to result in a residential population of approximately 1,250 people. Plans also call for providing 145 overnight accommodation units by utilizing historic structures and a new structure compatible with the historical district. Additionally, approximately 300 campsites are proposed to be retained and/or developed in the area.

The General Management Plan, developed by the National Park Service for Yosemite National Park, contemplates major changes for the Wawona area. Apart from the Park Service plans to expand employee housing and tourist service facilities, the Park Service anticipates allowing privately held lands in Wawona to be developed for resort residential uses. This is a major departure from previous Park Service policies where private lands were acquired through an aggressive condemnation program.

The administration, protection and development of that portion of Wawona which is privately owned will be accomplished in such a manner as to further the mutual best interests of the National Park Service and County.

State and County standards are generally appropriate to achieve objectives of these regulations and they are adopted and will be enforced by the National Park Service as well as the County as part of these regulations.

A Specific Plan is an effective planning tool used by many cities and counties throughout California. This process was developed so cities or counties could address the special needs of areas within their jurisdictions where unique environmental, economic or social conditions necessitated individual regulation and planning.

Section 65451 of the California Government Code outlines the required contents of a specific plan including the distribution, location and extent of uses of land, identification of public facilities (sewage, drainage, water, transportation, etc.), and a program of implementation measures including regulations, programs, public works projects and financing.

The Specific Plan Process was selected as the most effective method to address Wawona's many unique concerns. Wawona, an historic community located within Yosemite National Park, posed many challenges for Mariposa County and the National Park Service with regard to land use issues and control. The jurisdictional question complicated many issues for both NPS and the County. After many years of discussion NPS ceded partial legislative jurisdiction over privately owned land in Section 35 to the State of California. This has resulted in concurrent civil jurisdiction pursuant to Title 16 (U.S. Code Section 1-A-3). The State of California has accepted this jurisdiction.

After many years of negotiations and discussions NPS and Mariposa County reached agreement on most major issues regarding the provision of services and shared responsibility and control. The Land Use Policies and Standards Element of the Specific Plan is the result of many years of discussion between the County, NPS and private landowners within Wawona. The document, although not a complete Specific Plan, is a first step in addressing the many unique concerns within Wawona while providing for shared jurisdictional control. Once Mariposa County adopts the Land Use Policies and Standards Element, the Federal Government (NPS) will promulgate special regulations under Title 36 of the Code of Federal Regulations.

The National Park Service is nearing completion of a new sewer system that will serve most of Wawona. Once completed the majority of privately held homes in Wawona will be able to con-

nect to the new system and no longer will be forced to use septic systems which have frequently failed due to their age, improper design or installation, and poor maintenance. Present Health regulations have prohibited development, redevelopment or even expansion on many of the substandard lots within Wawona. Once the sewer system is installed this situation will change and development, redevelopment and expansion will be possible on many privately owned lots.

In order to address this urgent need for land use controls, the citizens of Wawona and the County of Mariposa have decided to develop and adopt the Specific Plan in two phases. The first step will be to adopt and implement the Land Use Policies and Standards Element of the Plan. The next step will be to develop policies, standards and implementation tools that address the many other environmental, social and economic concerns in Wawona including Circulation, Public Facilities, Drainage, Aesthetics, Archeology and Historic Preservation.

PROBLEM DESCRIPTION

Wawona, located near the South entrance to Yosemite National Park, is a developed resort area. Over one-third of the annual 2.5 million Park visitors pass through this area or stay at accommodations available in the Wawona area. Park Service plans, attempting to "de-urbanize" the Yosemite Valley area of the Park, will result in a more intense use of the Wawona region of the Park. Due to the public/private landholding pattern of this area, this more intense use of Wawona will result in some very dramatic changes to the area and if development is not properly managed, the interest of the public at large and private land-owners in the area could be jeopardized.

By and large, the public and private interests in Wawona can be served through a thoughtful application of development policies. First and foremost, a land use plan for the Wawona area that recognizes the potential public/private use conflicts as well as the mutual concerns of the Park Service and private inholders is critical. In this vein, and in the expectation that all interest in the Wawona area can be served through cooperation and open communication, the following basic land use and development goals are suggested:

A. Development of the Wawona Basin shall be undertaken only when it can reasonably be expected that such development will not result in the unnecessary or inappropriate degradation of the natural environmental amenities of the area. Attention should be given to:

1. Surface and ground water quality, and quantity,
2. Natural terrain features including drainage,
3. Preservation and protection of unique flora and fauna of the area,

4. Preservation and protection of scenic areas for open space uses,
5. Wawona Basin air quality, and
6. Noise pollution,
7. Preservation of all significant archeological sites and structures of historical significance.

B. Land uses shall be allocated in a manner that will adequately accommodate the appropriate needs of residents and visitors to the Wawona area and situated so that non-compatible land uses are buffered from each other through physical terrain barriers and use of open space. Use policies should recognize potential conflicts between:

1. Park visitors, campers, hikers, etc.,
2. Permanent residents including Park Service employees,
3. Seasonal employee housing, particularly dormitory housing accommodations,
4. Necessary tourist and resident commercial and administrative services, and
5. Second home or resort residential users of the area.

C. Development, within the various land use areas of the Wawona Basin, shall be designated in such a manner as to assure the availability of adequate public services for residents and visitors alike. Public services or "infrastructure" consideration shall include, but not be limited to:

1. Street, road and parking facilities,
2. Water, sewer and drainage facilities,
3. Schools, playgrounds, public restrooms and similar facilities,
4. Essential public or quasi-public services such as fire protection, police protection, solid waste collection and disposal, and general public services including health care, social services, election and other assorted administrative services.

D. Given the land ownership pattern of checkerboard private/government ownership, and the fact that the United States Government has retroceded partial concurrent civil jurisdiction regarding the privately owned lands of Section 35 to the State of California, which the State has accepted, development regulation will necessarily require County and Park Service cooperation to be effective. Through Mariposa County's authority, as provided through California State law, and through Federal regulation, a program of concurrent jurisdiction can be developed to regulate development of the Wawona area. This County/Park Service cooperation is envisioned to include the simultaneous adoption, through applicable County/Park Service procedures, of this development plan for Section 35. These regulations provide a framework for:

1. Preparing detailed plans for government development within the privately owned areas of Section 35 (such as water and sewer systems) by National Park Service,
2. Ensuring that various uses of privately owned land are allowed in appropriate locations,
3. Ensuring that the needs of residents of Wawona are addressed,
4. Providing for development needs to serve residents and visitors and manage Park resources,
5. Protecting public health, safety and welfare, as well as the environment and
6. Ensuring that the purposes for which the Park was established are achieved.

II. WAWONA DEVELOPMENT POLICIES

The following sections are proposed in accordance with California Government Code provisions of Section 65451. Development policies contained in these sections are based upon the following planning goals for the Wawona Town Planning Area.

A. Planning Goals: The Mariposa County Plan subscribes to the goals of, "PROVIDING FOR THE GREATEST OBTAINABLE CONVENIENCE, PROSPERITY, HEALTH, SAFETY, COMFORT, PEACE, MORALS, AND GENERAL WELFARE OF PRESENT AND FUTURE RESIDENTS OF, AND VISITORS TO, THE COUNTY." (Mariposa County General Plan). These goals find specific focus in the Wawona area through the following goals for Section 35.

1. To provide for a limited and controlled and orderly expansion of the community of Wawona.
2. To provide for limited commercial and residential development within the Wawona Town Planning Area (WTPA).
3. To preserve and protect the historical sites and structures of the community for the benefit of future generations.
4. To promote an effective and safe circulation system within the community.
5. To preserve and protect the fragile ecology of the community, specifically with respect to the mountainous area and of the South Fork of the Merced River.
6. To promote adequate and cost-effective public services such as fire protection, water and sewer services, and snow removal.
7. To promote and protect the residential environment of the community.
8. To maintain the mountain, small community atmosphere of Wawona for the benefit of present and future residents of the community.

B. Plan Development: The Specific Plan for Wawona once completed will address areas designated within the Government Code (Section 65451) in addition to major issues and concerns unique to Wawona (i.e., Shared jurisdictional control). A Circulation Element, Public Facilities Element, Archeological and Historic Preservation Element will be prepared to supplement this first stage. Issues regarding water quality, drainage, open space, preservation of wildlife, (etc.) will be discussed and programs implemented to deal with these issues.

The unique shared jurisdictional control allows a wider range of implementation tools yet it also results in a longer planning process as agreements must be reached with another agency. NPS will be adopting the Land Use Policies and Standards under Title 36. This will provide a means of joint enforcement of the provisions in order to implement the many land use policies. NPS can also provide the means for implementing the plan through support for public improvements. The opportunity for a wider range of implementation methods is available but this process may require substantial time as most major NPS policy decisions are made through other NPS offices and through the political process in Washington, D.C. Due to the complexity of developing a plan where jurisdiction is shared Mariposa County has elected to prepare the Wawona Specific Plan in two phases. The Land Use Policies and Standards is the first phase.

C. Land Use Policies and Standards: The basis of any plan or development program for an area is a land use plan. Within a land use plan, development standards are set forth for various areas based upon existing development patterns, environmental or physical site constraints, community and resident desires for the area, etc. Land use policies must address the location of housing, industry, business, open space and other land use activities. Within these designated use areas, standards for population density (persons or household per acre) and use intensity (building height, lot coverage, setbacks, set.) must be addressed. The following land use policies for Wawona are proposed and their application specifically designated on the land map of the Wawona Town Planning Area.

III. GENERAL PROVISIONS

A. These regulations specify the allowed land use activities for Wawona with which private property must conform. The objectives of these regulations are to:

1. Prohibit land uses other than those which are determined to be compatible with the purpose of the County and Yosemite National Park.

2. Promote the protection of private properties through appropriately designated land uses, acreage, frontage, setback, density, height, or other requirements.

B. New uses, and the location of new developments allowed under these regulations shall be harmonized with adjacent uses, improvements, and the natural features of Wawona, so as to minimize disruption of the area's values and to further the public and private purposes for which these regulations are established.

C. Existing uses, which were in violation of any State or County Statute, rule, regulation, or ordinance in effect at the date of the adoption of these regulations in the applicable use districts, shall be discontinued and all enforcement procedures shall be handled by the appropriate agency within six (6) months from adoption of these regulations.

D. It is the intention of the National Park Service not to acquire private property within Section 35 by the use of condemnation or the exercise of eminent domain so long as land use activities are in accordance with these regulations.

E. The subdividing or splitting of presently platted lots into parcels of less than one and one-half acres is prohibited. A landowner who wishes to subdivide or split a lot must notify the Mariposa County Planning Department, and follow the normal application procedures and comply with all Subdivision Laws of the State and County. If a subdivision is denied and the landowner proceeds to subdivide a lot, split a lot, or sell off a portion of the lot, or if a landowner so proceeds without notifying the County and applying for a subdivision permit, then the United States Government, at its discretion, reserves the right to:

1. Acquire by condemnation a development easement that would limit development on the presently platted lot to single family residential use or other development that is permitted by these regulations, or

2. Acquire by condemnation the full fee title to all or a portion of the presently platted lot.

F. An Official Land Use District Map, Section 35, Wawona, defining all use districts is attached hereto, marked Exhibit "A", and by this reference incorporated herein.

IV. DEFINITIONS

A. "Accessory structure or Uses" means a structure or use incidental or subordinate to the main use of the property, such as tool sheds and garages on residential property.

B. "Building Coverage" means the area covered by all buildings on a lot.

C. "Building Height" means the vertical distance from the top of the building to the average finished grade of the foundation.

D. "Complex Slope" means the proposed lot has varying slopes and more than one exposure. For the purpose of this section, Complex Slope shall be calculated as follows:

$$(\text{Average Slope}) = 2.29 \times 10 \frac{I}{L/A}$$

where

I=Vertical distance of contour interval in feet.

L=Length of contour lines in scaled feet.

A=Total number of acres in the parcel (or section of parcel).

E. "Fence" means an artificially constructed barrier of any material or combination of materials, erected to enclose or screen areas of land. Retaining walls which protect unsupported cut or fills of land shall not be considered fences. Fence height shall be measured vertically from natural grade to the highest point on the fence at any location.

F. "Frontage" means that portion of a lot abutting upon a street.

G. "Lot Coverage" means the area of a lot covered by buildings or other enclosed structures expressed by a ratio of building area (in square feet) to lot area (in square feet).

H. "Nonconforming Development, Structure or Use" means a structure, use or development which does not conform to the requirements of the land use district in which it is located.

I. "One Family Dwelling" means a detached building designated exclusively for occupancy by one family except as provided for by this Plan.

J. "Open Space Uses" means those uses not requiring structural improvements or significant topographic modifications. Such uses include non-commercial recreation, agriculture, public parks, pedestrian and equestrian paths and other similar uses.

K. "Principal Structure or Use" means the main use of land or structures as distinguished from a subordinate or accessory use.

L. "Public Buildings" means buildings used primarily by the public, including but not limited to, schools, community centers, government offices, and libraries.

M. "Setback Line" means a line or lines designating the area outside of which buildings may not be erected.

N. "Sign" means any structure or device displaying advertising in the form of lettering, pictures, symbols, lights, banners, or other format. (The Flag of the United States, the Flag

of the State of California, or any other familiar flag is not included in this definition.)

O. "Small domestic animal" means a dog, cat or other small animal commonly maintained as a household pet.

P. "Superintendent" means the Superintendent of Yosemite National Park.

Q. "County" means Mariposa County.

R. "Wawona Appeals Board" means a Board composed of five (5) members who meet to consider appeals regarding variances, building permits, conditional use permits, subdivision applications, and other issues relevant to the County and NPS associated with building permits and development in Wawona.

V. MOUNTAIN RESIDENTIAL DISTRICT

A. As discussed previously, Section 35 of the Wawona region is predominantly a residential area located adjacent to a major tourist service center in Yosemite National Park. The residential character of this area is profoundly affected by the tourist recreational nature of the area.

B. Definition: This district provides low density residential housing for permanent and seasonal residents in a manner that maintains the mountain residential character.

C. Permitted Uses: The following shall be permitted uses in the MRD:

1. One one-family dwelling unit per platted lot. A one-family dwelling unit can be modular if the unit is consistent with Mariposa County Mobile Home Standards and all State Codes regarding mobile home construction.

2. Open space uses.
3. Public parks, playgrounds and other recreational uses.
4. Accessory building and uses.

D. Conditional Uses: The following shall be conditional uses in the MRD:

1. Utility substations and similar utility and public/quasi-public facilities designed and necessary for the provision of service to adjacent residential areas.
2. Churches.

E. Lot Size:

1. The minimum lot size for new development or

redevelopment (in order to obtain a building permit) of property shall be one platted lot, providing that if the lot is less than six thousand (6,000) square feet it can meet all building code and health requirements without the aid of a variance. Any lots which are less than one and one-half acres in size must have been in existence prior to the effective date of these regulations;

2. In addition to lot size requirements of Section E(1), any proposed improvements to properties requiring either or both individual well or sewage disposal systems shall be consistent with Mariposa County and the State of California Health and Sanitation Regulations.

3. Lot line adjustments may be considered to enlarge the building site of nonconforming lots. However, no adjustment proposing to either reduce a lot below six thousand (6000) square feet, or establish a buildable lot below six thousand (6000 square feet, may be approved.

F. Building Height Limitations: No building may be constructed higher than thirty-five (35) feet from average ground level or more than two stories unless approved as to compliance with fire safe regulations of the agency providing structural fire protection service in the area. No accessory structure shall exceed twenty (20) feet in height from average ground level.

G. Setbacks:

1. Yard Requirements

a. Front yard: A front yard shall be defined as any portion of a lot between a public road and the nearest line or point of a building. The minimum setback for a front yard shall be forty (40) feet from the centerline of a public road or private easement or twenty (20) feet from the property line adjacent to a public road or private easement. In case of conflict, the distance creating the greatest setback from the centerline of the public road shall apply.

b. Side yard: A side yard shall be defined as that portion of a lot from a lot line not designated as a front lot line or rear lot line to the nearest line or point of a building. The minimum side yard setback shall be five (5) feet.

c. Rear yard: A rear yard shall be defined as that portion of a lot from the lot line opposite the front lot line to the nearest line or point of a building. In the case of two or more front yards located on a lot, the rear yard setback shall be opposite the frontage on the principle road. The minimum rear yard setback shall be ten (10) feet.

2. Distance between buildings on the same lot.

a. Twenty-five (25) feet between buildings used for residential purposes.

b. Ten (10) feet between a building used for residential purposes and an accessory building.

H. Lot Coverage: The maximum coverage of principal and accessory uses shall be forty percent (40%) of the total square footage of the lot or four thousand (4,000) square feet, whichever is smaller.

I. Subdivision Requirements:

1. Minimum parcel size shall be one and one-half (1 1/2) acres.

2. All applications for subdivisions shall include an archeological reconnaissance report or similar study.

3. The subdivision shall comply with all State and Local regulations.

J. Special Residential Use Standards: The general use regulations within the Mountain Residential District are modified as follows:

1. Domestic Animal Maintenance:

a. Small domestic animals: May be maintained on a parcel of land providing that none is secured closer than forty (40) feet from any other residence. Animals must be in an enclosed yard or under voice control at all times. Domestic animal owners must comply with County Ordinances regarding domestic animals.

b. Large animals: A maximum of one (1) horse or similar animal per one acre of land. Four (4) per acre permitted on a transient basis for a period not to exceed 48 hours.

2. Home Occupations:

a. Home based operations are permitted in residential areas. "Home Occupation" shall mean a use which is customarily carried on within a dwelling or mobile home by the inhabitants thereof, which use is clearly incidental and secondary to the residential use of the dwelling or mobile home, and which use:

i. Is confined completely within the dwelling or mobile home and occupies not more than thirty-three (33%) percent of the gross area of one (1) floor thereof;

ii. Is operated only by the family occupying the dwelling or mobile home;

iii. Produces no evidence of its existence in the external appearance of the dwelling, mobile home, or premises, or in the creation of noise, odors, smoke, or other nuisances to a degree greater than that normal for the neighborhood in which such use is located;

iv. Does not generate pedestrian or vehicular traffic beyond that normal for the neighborhood in which use is located;

v. Meets the requirements of the Building Department and fire district of jurisdiction;

vi. Requires no additions or extensions to the dwelling or mobile home, unless approved under use permit provisions; and

vii. No signs allowed for advertising business.

b. Prior to the establishment of a home occupation, the following procedures shall be followed:

i. A notice of intent to establish a home occupation shall be filed with the Mariposa County Planning Department on a form approved by the Planning Department and a fee paid as established by ordinance by the Board of Supervisors;

ii. The Mariposa County Planning Department shall post a notice on the subject property, or residence in a conspicuous manner for a period of fifteen (15) consecutive days and notice to be sent to the National Park Service and all property owners within three hundred (300) feet of the proposed home occupation;

iii. The notice shall briefly describe the intended home occupation;

iv. The filing of a petition signed by fifty percent (50%) of the residents residing within three hundred (300) feet of the proposed home occupation site, which protests the intended activity and filed with the Mariposa County Planning Department within twenty (20) days of posting subject property, shall require such proposed home occupation to be permitted by conditional use permit only;

v. Absence of such a protest petition being filed as described above, the Planning Department shall issue a notice of approval to the applicant within ten (10) working days of the closing of a protest petition filing date.

3. Transient Lodging:

a. Parking:

i. One (1) parking space on-site must be provided for each bedroom available for rent.

ii. Number of vehicles may not exceed space provided on site. Parking on streets or roads shall be prohibited.

b. Rental Limitations: Each rental unit shall comply with the following:

i. Comply with requirements under Mountain Residential: i.e., one single family dwelling per plotted lot. Said dwelling may be rented.

ii. Occupancy shall be limited to maximum of six (6) individuals for first one thousand (1000) square feet floor space. Not to exceed four (4) additional individuals for each five hundred (500) square feet floor space.

iii. Have a certificate of transient occupancy in accordance with Mariposa County Code.

iv. Conform with all Mariposa County rules and regulations.

v. Contain a minimum of one (1) fire extinguisher of ten (10) pound size per rental.

c. Written Notices Which Must Be Placed In Each Rental Unit.

i. Instructions in case of fire.

ii. Noise must be kept to a minimum - so as not to annoy neighbors.

iii. Noise must be eliminated by 10 p.m.

d. Prior to a landlord providing for transient lodging, the following procedures shall be followed:

i. A notice of intent to provide transient lodging shall be filed with the Mariposa County Planning Department on a form approved by the Planning Department and a fee paid as established by ordinance of the Board of Supervisors.

ii. The Mariposa County Planning Department shall inspect premises for compliance with this section and shall issue a notice of approval to the applicant if all conditions of this section are met.

iii. Failure of the landowner to maintain the conditions of this section could result in the rescinding of the notice of approval.

VI. LIMITED COMMERCIAL DISTRICT (LC)

A. Definition: This district provides selected service and convenience goods retail items. This district is designed to stabilize and protect the essential characteristics of the mountain residential character of the area while providing a suitable delivery of essential services and convenience goods to the residents of Section 35. Development is limited to restricted commercial uses plus those uses permitted in the Mountain Residential District.

B. Permitted Uses: The following are permitted uses in the LCD:

1. Any use permitted in the Mountain Residential District.
2. Gasoline station.
3. Food store.
4. Eating and/or drinking establishment.
5. Barber and/or Beauty Shop.
6. Laundromat.
7. Accessory buildings and uses.
8. Rental management and service facility.
9. Other similar uses as determined by the Mariposa County Planning Commission.

C. Conditional Uses: The following are conditional uses in LCD:

1. Other convenience commercial uses limited primarily to services for residents, landowners and occasional users of Section 35, as determined by the Mariposa County Planning Commission.

2. Churches.

D. Lot Size: Same as Mountain Residential District.

E. Building Height: Same as Mountain Residential District.

F. Frontage: The minimum lot frontage allowed for new development shall be sixty (60) feet. No building permits shall be issued for new development if lot frontage is less than sixty (60) feet.

G. Setbacks: Same as Mountain Residential District.

H. Lot Coverage: Same as Mountain Residential District.

I. Subdivision of Lots: Same as Mountain Residential District.

J. Parking Standards:

a. Retail stores and restaurants: a minimum of one (1) space for each one hundred (100) square feet of gross floor areas, excluding storage and loading.

b. Parking spaces must be off street.

c. Parking may be allowed within the designated setback area but not closer than five (5) feet from a residential lot boundary.

K. Special Residential Use Standards: Same as Mountain Residential District (Chapter V, Section J).

VII. ENVIRONMENTAL PROTECTION DISTRICT (EP)/
FLOODPLAIN DISTRICT (FP)

A. Definition: This district is comprised of those lands which, due to their environmental sensitivity and hazards, are not conducive to human settlement and are designated for the purpose of protecting persons and their property, to aid the natural drainage of the land and maintain natural and open space resource areas for recreation and ecological balance. The area included in the Floodplain District is the 100 year floodplain of the South Fork of the Merced River, as adopted by the National Park Service and County. A copy of said document is attached hereto, marked Exhibit "B", and by this reference incorporated herein. Included in the Environmental Protection District are the Chilnualna Creek Corridor and areas containing a slope of thirty percent (30%) or greater, as identified on the Official Land Use District Map, Section 35, Wawona.

B. Prohibited Uses: No new construction of buildings or structures is permitted in this district. Re-modeling and/or reconstruction of existing buildings or structures which are existing in the Floodplain upon approval of this Plan, shall not be considered new construction hereunder.

C. Permitted Uses: The following uses shall be permitted in the EP and FPD:

1. Recreational use activities such as picnicing, hiking trails, and nature study.
2. Management of fish and wildlife habitat.
3. Open space uses.

D. Conditional Uses: Other uses that are, in the opinion of the Superintendent and County, compatible with the purposes of these regulations and of these districts, as described in the definition, and for which a permit from County has been issued.

E. Residences: The few residences that exist within this district shall be subject to the Residential Use Standards as outlined in the Mountain Residential District.

VIII. REGULATIONS APPLICABLE TO ALL USE DISTRICTS

The following regulations are common to all use districts in Section 35. Any existing use at the time of the adoption of these regulations which is an unlawful use shall be discontinued within six (6) months from the adoption of these regulations.

A. Water and Sewer Services: All private parcels of land for which construction is proposed and that require the provisions of sewage disposal shall be required to use a central sewer system when available, except for that real property located in southeast Wawona, currently a church camp, current (1987) APN 10-280-09. Should the owners of the Church Property decide to commence construction or subdivide in the future, then in that event, the owner may be required to use a central sewer system, if available. Existing structures, where well and/or septic-leach field systems are utilized, will also be required to use a central sewer system within a reasonable period of time from the date of availability of such system as specified by County and Superintendent. In the event a landowner or developer is required to use a central sewer system and the landowner or developer is unable to obtain the easements necessary to accomplish the hook-up, then in that event, National Park Service shall obtain said necessary easements at developer's expense.

B. Signs: Only those permanent signs related to an allowed use and which do not exceed one (1) square foot in area for

a residential use or do not exceed thirty-two (32) square feet in area for a commercial use are allowed; only those temporary signs that do not exceed four (4) square feet in area for advertisement of the sale or rental of property are allowed. No illuminated signs are allowed, save and except illuminated signs shall be allowed within store windows. Signs may be placed only on the property on which the associated use occurs, or on the property which is advertised for sale or rental. Signs shall be subdued in appearance, harmonizing in design and color with the surroundings, and shall not be attached to a tree or shrub. Road signs shall conform to National Park Service sign design standards. Signs for identification of public rights-of-way and public facilities shall be provided by the National Park Service. A nonconforming sign may continue for a period not to exceed two (2) years from the effective date of these regulations. At the end of this period, it must be removed.

Nothing contained herein shall prohibit persons residing in Wawona from displaying name identification signs on street corners which shall comply with the above standards.

C. Nonconforming Uses:

1. A development or use lawfully in existence prior to the adoption of these regulations, but not now allowed in the applicable use district, shall be considered nonconforming and may continue (including routine repair and maintenance) subject to the provisions of this subsection.

2. Change in Nonconforming Uses:

i. No nonconforming development or use shall be altered, enlarged, moved or extended (excepting routine repair and maintenance, unless such alteration, enlargement, movement, or extension conforms to these regulations.

ii. A nonconforming use which has been abandoned for more than one (1) year shall not be resumed or replaced by either the abandoned or another nonconforming use.

3. Reconstruction of Nonconforming Uses:

i. If a nonconforming development or use is severely damaged, destroyed, or rendered a hazard, whether by fire, natural disaster, abandonment or neglect, to an extent exceeding fifty percent (50%) of the value, no reconstruction is allowed, except in conformance with these standards and regulations, including Section V(E).

ii. A permissible reconstruction shall be completed within one (1) year of the damage, destruction, or abandonment.

iii. If a nonconforming development or use can be brought into conformity with these regulations, then it may be reconstructed or changed to conform.

4. Duration of Nonconforming Uses:

i. Small Lots: All platted lots which, at the effective date of these regulations, are found to be smaller than the lot size requirements of these regulations are considered nonconforming lots.

ii. The duration of other nonconforming uses, save and except signs as described in section VIII(C) above, and existing residences, shall be fifty (50) years from the effective date of these regulations. At the end of this term the use must be terminated and any nonconforming structure removed.

D. Extraction of Natural Resources: No extraction of natural resources for other than personal use, including minerals, rock, or gravel is allowed. Extraction for commercial purposes is prohibited.

E. Fencing Standards

1. Except as specifically provided for in this section, no fence shall be erected in Wawona except for fences constructed of natural materials that allow for substantially unrestricted visibility from one side of the fence through to the other side of the fence. The maximum height of fences shall be three feet except for parcels of 1 acre or larger in size upon which a 4 1/2 foot high fence is allowed provided the fence is set back a minimum of 40 feet from all property lines.

2. Privacy fences - Solid privacy fences with a maximum height of 6 feet and constructed of natural materials are allowed subject to compliance with all of the following standards:

i. The fence shall enclose an area not exceeding 50% of the footprint of the residential structure except that a minimum enclosure size of 500 square feet shall be allowed in all cases.

ii. The fence shall be attached to or within 25 feet of the residential structure and shall not extend farther into the front yard area than the residential structure. Privacy fences not attached to or within 25 feet of a residence shall also be allowed which enclose swimming pools, spas or other similar facilities. Such fences shall be the minimum size necessary to enclose the pool or spa and allow a 10 feet wide area between the edge of the pool or spa and the fence.

3. Temporary fences designed to protect a garden area or tree and not enclosing an area of greater than 400 sq. ft. and constructed of materials that allow for substantially unrestricted visibility from one side of the fence through to the other side of the fence may be constructed at any location on a lot and shall have a maximum height of 8 feet.

F. Lighting Standards: All exterior lighting shall be designed and located so as to confine lighting directly on the premises and shall not shine light upon other properties in the vicinity. A light source shall have a maximum output of 150 watts and shall not shine upon or illuminate directly on any surface other than the area required to be lighted. Lighting shall not be of the type or in a location which constitutes a hazard to vehicular traffic, either on private property or on abutting private or public roads.

IX. USE PERMITS

A. Issuance and Purpose: Use permits may be issued, as provided in this chapter, for any of the uses or purposes for which such permits are required or permitted by the terms of this Plan, upon conditions designated by the Planning Commission.

The purpose of the use permit is to allow the proper integration of uses into the community, which may be suitable only in specific locations in a zone, or only if such uses are designed or arranged on the site in a particular manner.

The Planning Commission, may approve, deny, or conditionally approve an application for a use permit.

The Planning Commission may impose such conditions as it deems necessary to secure the purposes of this title and may impose such requirements and conditions with respect to location, construction, maintenance, operation, site planning, traffic control, and time limits for the use permit, as it deems necessary, for the protection of the property owners and the public interest, and may require tangible guarantees or evidence that such conditions are being, or will be complied with.

B. Form of Application: Application for a use permit shall be made in writing by the owners of the property, lessee, purchaser in escrow or optionee, with consent of the owners, on a form prescribed by the County. The application shall be accompanied by a fee, as set by the Board of Supervisors, and plans showing the details of the proposed use.

No application shall be deemed complete until environmental review process has been completed, in accordance with the Mariposa County Environmental Review Policies and Procedures.

The Planning Commission shall not be required to conduct a hearing to reject an application which does not conform to

the requirements of this Plan.

C. Public Hearing Required: A public hearing in accordance with the provisions of Title 17, Mariposa County Code, will be required on any application for a use permit prior to action being taken by the Planning Commission to approve, deny, or conditionally approve the application.

D. Granting of Permits: In considering an application, the Planning Commission shall give due regard to the nature and condition of all adjacent properties, uses, and structures, and to the General and the Wawona Specific Plan.

The Planning Commission shall determine whether or not the establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the County.

If the Planning Commission finds that the aforementioned conditions will not result from the particular use applied for and the use is consistent with the Mariposa County General Plan and the Wawona Specific Plan, it shall grant the use permit.

In evaluating a proposed project, the Planning Commission shall approve a conditional use permit providing the following findings can be made:

1. That adequate open space is being provided;
2. That the site is physically suited for the proposed development;
3. That adequate provisions have been made for sewage disposal and handling of solid waste;
4. That the proposed development will have adequate potable water for public use and fire protection;
5. That the project complies with all standard and special setback requirements and appropriate buffers have been provided for adjacent land uses;
6. That appropriate access is available or is proposed to the development;
7. That the proposed use is consistent with the policies and standards of the General Plan and the Wawona Specific Plan;
8. That the project as approved will not have a significant effect on the environment, or the significant impacts have been eliminated or substantially lessened, or determined that the significant effects are unavoidable and acceptable due to overriding concerns.

The Planning Commission shall impose any conditions and/or requirements it finds necessary to guarantee compliance

with the findings in this section.

E. Use Permit Revisions: The Planning Commission may approve one or more revisions to an approved use permit provided such revision does not result in an expansion of more than ten percent (10%) of the original site or use area or such revision, other than expansion, is deemed necessary and desirable for the best utilization of a site, and such revision will not result in creating a potential public nuisance or health and safety problem and/or change the original intent of the use permit.

F. Minor Modification of Use: The Planning Department may approved one or more modifications of use on an approved use permit when it is determined that the proposed modification is substantially similar to the originally approved use and that the proposed modification cannot be reasonably expected to create a public nuisance or health and safety problem.

G. Approval of Superintendent: Notwithstanding anything to the contrary contained herein, no use permit shall be issued without the approval of the Superintendent, except upon successful appeal to the Wawona Appeal Board.

X. VARIANCES

A. Purpose: The purpose of a variance is to allow variation from the strict application of the standards of this Plan, where it is found that practical difficulties, unnecessary hardships or results inconsistent with the general purpose of this Plan, would occur by its implementation. The Planning Commission, on its own motion or through proper application by the public, may initiate proceedings for issuance of variances.

All acts of the Planning Commission and Board of Supervisors under the provisions of this Plan, shall be considered administrative acts performed for the purpose of assuring that the intent and purpose of this Plan shall apply in special cases, as provided in this Plan, and shall not be construed as amendments to the provisions of this Plan.

No variance shall be granted which authorizes a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of property.

B. Form of Application: Application for a variance shall be made in writing by a property owner, lessee, purchaser in escrow, or optionee with consent of the owners, on a form and in a manner as prescribed by the Planning Commission. The application shall be accompanied by a fee, as set by the Board of Super-

visors, for the variance.

C. Hearing and Notice Required: Upon receipt of an application for a variance, the Planning Commission shall set a date for a public hearing on such application; such hearing shall be held within forty-five (45) days after the filing of the application.

Notice of such hearing shall be given as set forth in Title 17, Mariposa County Code.

D. Investigations of Facts of Application: The Planning Commission and/or its staff shall investigate the application and obtain all necessary information to assure that any action on a variance application is consistent with the intent and purpose of this Plan, and with previous action concerning variances.

E. Necessary Findings and Conditions: Before a variance may be granted, it shall be shown that:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity;

2. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the property is located.

3. The granting of such variance will not adversely affect the comprehensive General Plan.

F. Decision--Time Limits: The Planning Commission shall render its decision on the variance at the conclusion of the public hearing and record its actions by formal resolution, and such resolution shall recite the findings of the Planning Commission upon which it bases its decision.

G. Time Limits--Implementation: The variance shall be void if the use authorized by said variance has not been implemented within three (3) years of the approval of the variance.

H. Substandard Lots: Notwithstanding anything to the contrary contained herein, there shall be no variances approved for lots consisting of less than six thousand (6,000) square feet.

I. Approval of Superintendent: Notwithstanding anything to the contrary contained herein, no variance shall be issued without the approval of the Superintendent, except upon successful appeal to the Wawona Appeal Board.

XI. BUILDING PERMITS AND OCCUPANCY

A. When Required: When a permit is required by the Uniform Codes adopted by the County, a permit shall be obtained from the County. This permit is required in addition to the water and sewer system permits required in 36 CFR Sec. 7.16(j), from the Superintendent.

B. Application: All applications for permits must conform to County Code regarding issuance of building permits.

C. Permit Fee: Fees shall be charged pursuant to the fee structure of County.

D. Permit Approval: A permit application that is complete and proposes development that is in conformance with these regulations will be approved and notice of approval sent to the applicant. Applicants should request approval for the entire development, including all new construction, well, accessory structures, grading (etc.). County shall notify the National Park Service, in writing, of all building permit applications within five (5) working days of receipt of the application. If the National Park Service does not object within ten (10) working days of receipt of notice, County may issue or deny the permit requested. If the National Park Service objects, in writing, within ten (10) working days of receipt of the application and there exists a dispute between County and National Park Service regarding the issuance or denial of the permit, then the matter shall be submitted to the Wawona Appeals Board for recommendation to the Board of Supervisors.

E. Permit Denial: A permit application that is incomplete will be returned to the applicant without action. A permit application that proposes development that is not in conformance with these regulations will be denied.

F. Occupancy: Prior to occupancy or use of a newly constructed or reconstructed building or a portion of a building, County must certify the building fit for occupancy.

XII. VIOLATION OF REGULATIONS

A. Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of these regulations or any use of land or buildings

operated or maintained contrary to the provisions of these regulations; or any failure to comply with the conditions attached to the granting of any development permit or Special Use Permit shall be, and the same is hereby declared to be unlawful and a public nuisance. The County Counsel, upon order of the Board of Supervisors, shall commence the necessary action or proceedings for the abatement, removal and enjoining thereof in a manner prescribed by law in the court which may have jurisdiction to grant such relief as will accomplish such abatement and restraint. The remedies provided for herein shall be in addition to any other remedy or remedies or penalties provided in these regulations or any other law or ordinance.

B. Any person, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of these regulations is guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the County jail for a term not exceeding ninety (90) days or by both such fine and imprisonment. A separate offense shall have been committed for each and every day during which a violation of any portion of these regulations persists. Notwithstanding the above, no person, whether as principal, agent, employee or otherwise, shall be guilty of a misdemeanor hereunder unless such person, whether as principal, agent, employee or otherwise, has failed and refused to correct such violation within thirty (30) days after written notice of violation.

C. In regard to unauthorized subdivision or splitting of presently platted lots, said unauthorized subdividing or splitting may alternatively be remedied by exercise of condemnation authority by the United States Government.

XIII. APPEALS

A. Authority, Purpose and Intent: The Wawona Board of Appeals is established pursuant to Government Code Sections 65900-65904, for the purpose of implementing the policies, procedures and standards of the Wawona Specific Plan. Its intent is to further the cooperative effort between the National Park Service and Mariposa County in the Wawona area, and it shall have jurisdiction only within the Town Planning Area.

B. Staff Support: Secretarial support to the Appeal Board shall be provided by the secretary to the Planning Commission, and responsibilities shall include the preparation of public notices, agendas, staff reports and minutes. Technical support to the Appeal Board shall be provided by the Mariposa County Planning Department, and responsibilities shall include

the preparation of special reports, planning documents, and obtaining of such information as the Board deems necessary for the discharge of its responsibilities.

C. Membership: The Wawona Board of Appeals shall consist of five (5) members as follows:

1. The Supervisor whose district includes the private sector of Section 35;

2. One record property owner of private land in Section 35 to be selected by the Board of Supervisors of Mariposa County;

3. Two employees of the National Park Services selected by the Superintendent of Yosemite National Park;

4. One Mariposa County resident mutually selected by the Board of Supervisors and the Superintendent of Yosemite National Park.

D. Term, Nomination, and Appointment: The term of each member of the Appeal Board shall be two (2) years. The Board of Supervisors and the Park Superintendent shall nominate one or more candidates for the public member and alternate public member. Appointment by the Appeal Board shall be at a special meeting scheduled solely for that purpose.

E. Removal From Office or Vacancy: A member of the Appeal Board may be removed by a majority vote of the Board of Supervisors and approval of the Superintendent. A vacancy is filled in the same manner as the original appointment. A person appointed to fill a vacancy serves for the remainder of the unexpired term.

F. Absence From Meeting:

1. If a member of the Appeal Board is absent without cause from three successive meetings of the Board, the office becomes vacant automatically. The vacancy is to be filled in the same manner as the original appointment.

2. A member is not absent without cause if his absence is:

a. Due to illness, or

b. Unavoidable and the member either prior to or within forty-eight hours after the meeting gives the secretary of the Appeal Board written notice that he will be absent and gives the reason for the absence.

G. Meetings - Place and Time: The meeting place of the Board of Appeals shall be at the Wawona Community Building, or at such other location approved in advance by the Appeal Board. The Appeal Board shall meet only as necessary to consider matters scheduled by the secretary to the Board. All meetings shall be held in accordance with Government Code Sections 54950-54961.

H. Appointment of Chairman and Vice-Chairman: The Appeal

Board shall elect a chairman and vice-chairman from among its members. The chairman and vice-chairman serve for a term of one year and until the successor of each is appointed and qualified.

I. Adoption of Rules: The Appeal Board shall adopt rules for the transaction of its business and shall keep a public record of its resolutions, transactions, findings and determinations.

J. Duties and Powers: In addition to the duties, rights and powers imposed by State law, the Appeal Board shall perform the duties, and has the rights, powers and privileges provided by ordinance or resolution of the Board of Supervisors.

K. Quorum: Three (3) members of the Appeal Board shall constitute a quorum for the transaction of business.

L. Duties of Chairman: The chairman shall preside at all meetings of the Appeal Board. He shall perform all the duties necessary or incidental to his office.

M. Vice-Chairman: The vice-chairman is chairman in the absence or inability of the chairman to act.

N. Secretary: The secretary shall keep minutes of each meeting and shall record each hearing and official action. The secretary shall examine incoming mail for proper referral and answer correspondence for the Appeal Board. The secretary shall maintain records of operations and shall perform such other duties as the Board may assign.

O. Scope of Matters to be Considered by the Board of Appeals: The Appeal Board shall hear and decide on:

1. An appeal of a Planning Commission and/or Superintendent action on a variance application.
2. An appeal of a Planning Commission and/or Superintendent action on a Conditional Use Permit application.
3. An appeal of a Planning Commission and/or Superintendent action on a subdivision application.
4. Disputes between the County and the Park Service regarding issuance of building permits.

P. Applications--Fees: The fee for appeals, and all other matters covered by this Plan shall be set by resolution, approved by the Board of Supervisors.

Q. Referrals to the Board of Appeals: When a matter requires a determination by the Appeal Board, it shall be filed with the secretary to the Board, who shall endorse the date of receipt and set the matter for hearing. Notice shall be provided as required by State law and County Code.

R. Hearing--Burden of Proof: The Appeal Board shall hear all persons interested in the matter. The applicant or petitioner has the burden and shall offer competent evidence in support of his application or petition.

S. General Standards in Considering Application: In considering an application, appeal, or other matter, the Appeal Board shall consider:

1. The health, safety and welfare of the residents of the County.
2. The orderly development of the property in the County.
3. The preservation of property values.
4. The protection of the tax base.
5. The effect on the neighborhood.
6. The likelihood of a nuisance being created.
7. The effect on the General Plan of the County.
8. Special conditions or exceptional characteristics of the property and its location or surroundings.
9. The effect upon the purposes for which Yosemite National Park was established.
10. Any other matters relevant to the injury.

T. Board May Grant Land Use Permit Subject to Conditions: If the Board of Appeals grants a land use permit, it may impose any conditions which it considers necessary to secure the purpose of County regulations and give effect to the General Plan.

U. Time and Manner of Board Decision: After hearing the evidence and considering the application, the Appeal Board shall make its findings and have them entered in the minutes of the Board and shall file them with the Planning Department. In its findings, the Board shall report the facts found and its conclusions whether a permit, application or appeal is granted, granted with conditions or denied.

V. Time Limit on Reapplication for Same Matter: If the Appeal Board denies an application or request, the applicant or his successor in interest may not file a new application or request for substantially the same thing for a period of six months from the date the Board takes action.

W. Land Use Permits--Expiration: A land use permit which is not used within the time specified in the permit, or if no time is specified elsewhere in the County Code, is void one year after the permit is granted. The land use permit is also void one year after the use for which it is intended is discontinued.

XIV. IMPLEMENTATION PROCESS

This "Land Use Policies and Standards" section of the Wawona Specific Plan has been adopted pursuant to a cooperative effort between Mariposa County and the National Park Service. There are numerous references contained herein to the "Superintendent" of Yosemite National Park with reference to mutual responsibilities of the County and the Park Service regarding application of the zoning regulations. The County anticipates full cooperation of the National Park Service in the implementation of these zoning regulations. If, however, for any reason, the National Park Service elects not to exercise their authority as contained herein, then in that event the County shall be empowered to exercise full implementation controls and all references to joint implementation shall be deemed stricken from these regulations by adoption of a resolution by the Board of Supervisors, so stating.

XV. AMENDMENTS

A. Purpose and Intent: The provisions of this Plan may be amended in accordance with this chapter whenever the public necessity, convenience, or welfare requires such amendment.

B. Initiation of Action: An amendment to this Plan may be initiated by:

1. The verified petition of one or more owners of property affected by the proposed amendment. Such petition shall be filed with the Planning Department as an application in compliance with requirements established by the County, and accompanied by a fee as prescribed by the Board of Supervisors; or by

2. A Resolution of Intention by the Board of Supervisors; or by

3. A Resolution of Intention by the Planning Commission.

C. Planning Commission Hearing: The Planning Commission will hold a public hearing on any proposed amendment to this Plan after giving the public notice required by this title. The purpose of the hearing shall be to receive testimony from parties interested in the proposed amendment, consider the recommendations of the Planning Director, and adopt a recommendation and submit this recommendation to the Board of Supervisors. The public hearing on a proposed amendment may be continued from time to time, provided that such hearing shall be completed and a recommendation adopted within sixty (60) days of the first noticed date of public hearing.

D. Planning Commission Recommendation: After the public

hearing, the Planning Commission shall submit a written recommendation to the Board of Supervisors on the proposed amendment, setting forth the reasons for the recommendation and the relationship of the proposed amendment to affected General and the Wawona Specific Plan.

E. Board of Supervisors Hearing: Upon receipt of the recommendation of the Planning Commission, the Board of Supervisors shall hold a public hearing after giving notice in the manner specified by this Plan. The Board of Supervisors may approve, modify or disapprove the recommendation of the Planning Commission.

F. Abandonment of Proceedings: Subsequent to the initiation of an amendment and prior to its enactment by the Board of Supervisors, the amendment proceedings may be terminated in the following ways:

1. Any petition for an amendment may be withdrawn upon written application to the Planning Commission by a majority of the petitioners.

2. The Board of Supervisors or the Planning Commission, as the case may be, may by resolution abandon proceedings for an amendment initiated by its own Resolution of Intention, provided that such abandonment may be made only when the matter is before such body for consideration, and provided that any hearing of which public notice has been given shall have been held.

G. Concurrent Proceedings: Any amendment to this Plan which requires an amendment to the Mariposa County General Plan, may be heard concurrently with the General Plan amendment hearings provided that all requirements of both amendment procedures are complied with and provided that action on any General Plan amendment is taken prior to action being taken on the amendment to this title.

H. Approval of Superintendent: Notwithstanding anything to the contrary contained herein, no Amendment to this Plan shall be issued without the approval of the Superintendent.

A P P E N D I C E S

Exhibit A - Land Use District Map

Exhibit B - Floodplain Map

Mariposa County Resolution No. 87-399 - Adoption of Specific Plan

Mariposa County Resolution No. 87-400 - Specific Plan Application
and Appeal Fees

Mariposa County Ordinance No. 697 - Amendment to Title 17

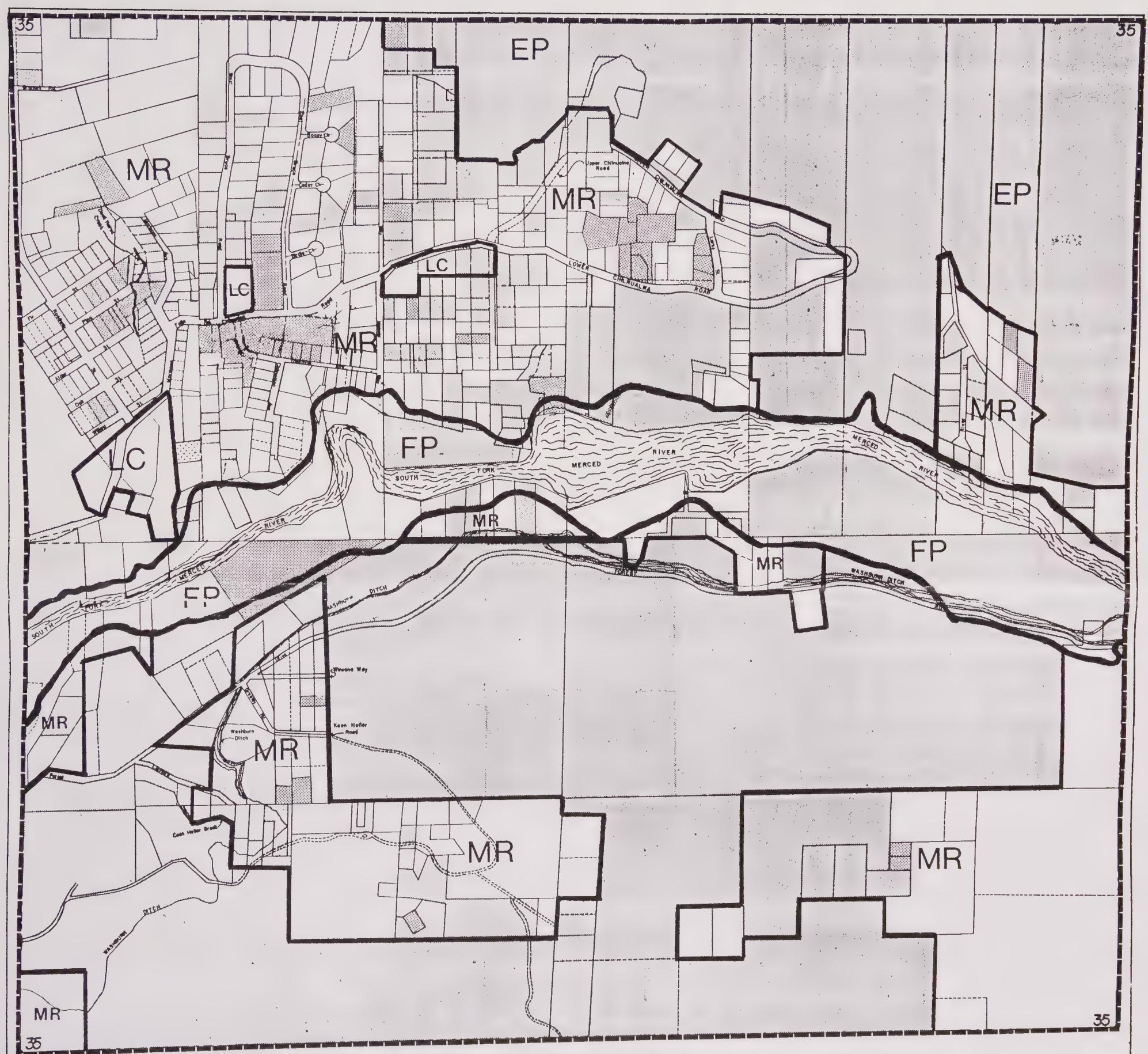
Mariposa County Code Section 2.54 - Wawona Appeals Board

Wawona TPA LINE

Section 35



EXHIBIT B



LEGEND

- Public Lands
- Wagon TPA COUNTY SERVICE AREA
2W 640 ac. +
- FLOOD PLAIN
- MR - Mountain Residential
- LC - Limited Commercial
- EP - Environmental Protection
- FP - Floodplain

SCALE 1" = 2000
0 200 400 600 800 1000

MARIPOSA TOWN PLANNING AREA

Official Land Use District Map

MARIPOSA COUNTY

PLANNING DEPARTMENT

REVISION
DATE: 8/2001
REVISED:
FILE NO.
DRAMA NO.

123 B

1 MARIPOSA COUNTY RESOLUTION NO. 87-399

2 A RESOLUTION CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR AND
3 ADOPTION OF, THE WAWONA TOWN PLANNING AREA SPECIFIC PLAN.

4 The Board of Supervisors of Mariposa County, a political subdivision
5 of the State of California, hereby resolves as follows:

6 WHEREAS, Government Code Section 65450 through 65457 provides for the
7 development, adoption and implementation of Specific Plans as a means of
8 implementing the General Plan; and

9 WHEREAS, the County of Mariposa has determined that a Specific Plan
10 for the community of Wawona, known as the Wawona Town Planning Area, is
11 necessary for the orderly development of the area and implementation of the
12 Mariposa County General Plan; and

13 WHEREAS, such a Specific Plan and Environmental Impact Report has been
14 prepared in accordance with the Government Code and Public Resources Code; and

15 WHEREAS, the Mariposa County Board of Supervisors and Planning
16 Commission has held a public hearing on said EIR and Specific Plan in the
17 community of Wawona to receive comments on the documents; and

18 WHEREAS, the Mariposa County Planning Commission considered and
19 responded to the comments at continued public hearings, and has recommended
20 approval of the plan, the EIR, and implementing ordinances and resolutions;

21 WHEREAS, the Board of Supervisors, at a subsequent, separately noticed
22 hearing considered testimony on the Planning Commission's recommendations, and
23 deliberated on all aspects of this matter and comments received;

24 BE IT THEREFORE RESOLVED that the Board of Supervisors hereby adopts
25 the Wawona Town Planning Area Specific Plan Land Use Policies and Standards
26 subject to the revisions in attached Exhibit 'A',

27 BE IT FURTHER RESOLVED that the Environmental Impact Report is certified
28 as recommended by the Planning Commission and that the attached revisions do

1 not constitute significant changes and further environmental review.

2 PASSED AND ADOPTED by the Mariposa County Board of Supervisors this

3 13th day of October , 1987 by the following vote;

4 AYES: BAGGETT, ERICKSON, RADANOVICH, TABER

5 NOES: NONE

6 ABSTAINED: NONE

7 EXCUSED: DALTON

Leroy Radanovich

8 LEROY RADANOVICH, Chairman
9 Mariposa County Board of Supervisors

10 ATTEST:

11 *Margie Williams*
12 MARGIE WILLIAMS, Clerk of the Board

13 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

14 *Jeffrey G. Green*
15 JEFFREY G. GREEN, County Counsel

16

17

18

19

20

21

22

23

24

25

26

27

28

EXHIBIT "A"

REVISIONS IN DRAFT PLAN

Page 2, last sentence

The wording be revised to read as follows:

Once completed the majority of privately held homes in Wawona will be able to connect to the new system and no longer will be forced to use septic systems which have frequently failed due to their age, improper design or installation, and poor maintenance.

Page 3, 2nd Paragraph, 1st sentence

The wording be revised to read as follows:

In order to address this urgent need for land use controls, the citizens of Wawona and the County of Mariposa have decided to develop and adopt the Specific Plan in two phases.

Page 4, Section B, second line

Change the word "various" to "appropriate".

Page 8, Section C

The definition of "Building Height" be revised as follows:

"Building Height" means the vertical distance from the top of the building to the average finished grade of the foundation.

Page 9, Section D

Add "Churches" as new number 2 under conditional uses.

Page 9, Section E

Add provision regulating lot line adjustments as new number 3 as follows:

3. Lot line adjustments may be considered to enlarge the building site of nonconforming lots. However, no adjustment proposing to either reduce a lot below 6000 square ft., or establish a buildable lot below 6000 square feet, may be approved.

Page 10, Section G. 1. a., second sentence

Change the word "from" to "for".

Page 12, Section 3., a., iii

The provision for a conditional use permit be deleted based on a prohibition against any parking on streets (delete subject section).

Page 13, Section B

Add new permitted use of "Rental management and service facility" and move #8 to become #9.

Page 13, Section C

Add "Churches" as new number 2 under conditional uses.

Page 14, Section K

Revise to read as follows:

Same as Mountain Residential District (Chapter V, Section J).

Page 16, Section C., 3., i.

Add reference to minimum parcel size by revising provision to read as follows:

If a nonconforming development or use is severely damaged, destroyed, or rendered a hazard, whether by fire, natural disaster, abandonment or neglect, to an extent exceeding fifty percent (50%) of the value, no reconstruction is allowed, except in conformance with these standards and regulations, including Section V. E.

Page 22, Section XIII, C

The membership selection for the Wawona Appeals Board is revised as follows:

C. Membership: The Wawona Board of Appeals shall consist of five (5) members to be selected as follows:

The Supervisor whose district includes the private sector of Section 35; one record property owner of private land in Section 35 to be selected by the Board of Supervisors of Mariposa County; Two employees of the National Park Service selected by the Superintendent of Yosemite National Park; and one Mariposa County resident mutually selected by the Board of Supervisors and the Superintendent of Yosemite National Park.

Page 22, Section D

The section be deleted to allow non-resident property owners to be represented on Appeals Board. All other subsequent sections be re-titled.

Page 24, Section L

Exhibit "A"
page 3

The quorum provisions for the Appeals Board be revised from two to three.

Page 24, Section P

Delete item #5 to retain legislative actions with appropriate agency.

Page 27, Section H

Delete "except upon successful appeal to the Wawona Appeal Board.".

1 MARIPOSA COUNTY RESOLUTION 87- 400

2 A RESOLUTION AMENDING PREVIOUS FEE RESOLUTIONS BY ADDING SPECIFIC
3 APPLICATION AND APPEAL FEES TO IMPLEMENT PROVISIONS OF THE WAWONA
SPECIFIC PLAN.

4 WHEREAS, the California Government Code established specific duties
5 and responsibilities for local agencies in matters related to planning, and

6 WHEREAS, the Code sets forth specific procedures to be followed by
7 the Commission and Board in completing their tasks, and

8 WHEREAS, the Code enables local agencies to establish fees for
9 processing applications, and

10 WHEREAS, the Wawona Land Use Policies and Standards establishes
11 special permits and appeals not applicable elsewhere in the County, and

12 WHEREAS, the Board of Supervisors desires in the interest of the
13 County and its citizens to recover the costs of processing each application,

14 NOW THEREFORE, be it resolved that the Board of Supervisors hereby
15 amends previous resolutions and hereby adopts the following additional fees
16 for services provided by the Planning Department:

	<u>APPLICATION</u>	<u>FEE</u>
18	Home Occupation Permit	\$35.00 + .50 per owner notified
19	Transient Lodging Permit	\$35.00
20	Site Plan Review (Building Permits)	\$55.00
21	Appeals to Wawona Board of Appeals	-0-

22 PASSED AND ADOPTED by the Mariposa County Board of Supervisors this
23 13th day of October , 1987 by the following vote:

24 AYES: BAGGETT, ERICKSON, RADANOVICH, TABER

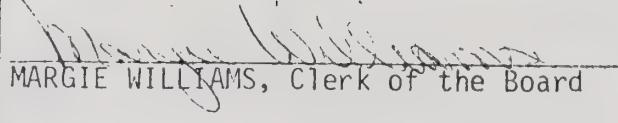
25 NOES: NONE

26 ABSTAINED: NONE

27 EXCUSED: DALTON


28 LEROY RADANOVICH, Chairman
Board of Supervisors

1 ATTEST:

2 
3 MARGIE WILLIAMS, Clerk of the Board

4 APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

5 
6 JEFFREY G. GREEN, County Counsel

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

MARIPOSA COUNTY ORDINANCE NO. 697

AN ORDINANCE AMENDING TITLE 17 OF THE MARIPOSA COUNTY CODE ENTITLED
ZONING, BY AMENDING CHAPTER 17.06 ZONING MAP.

WHEREAS, The State of California in Section 65800 et seq. of the Government Code authorizes local agencies to regulate land use through adoption of zoning ordinances, and

WHEREAS, the State of California also requires in Section 65860 of the Government Code that zoning ordinances be consistent with adopted general plans, and

WHEREAS, the County of Mariposa pursuant to Section 65450 of the Government Code has adopted the Land Use Policies and Standards Element of the Wawona Specific Plan as means of further implementing the County General Plan, and

WHEREAS, the County of Mariposa has prepared and certified an Environmental Impact Report in accordance with the provisions of the Public Resources Code and the County Environmental Review Policies and Procedures; and

WHEREAS, the Specific Plan and EIR identified the following specific constraints within the community's infrastructure which precludes consideration of second dwelling units in accordance with section 66852.2 of the Government Code:

A. The limited capacity relative to water supply and sewage disposal;

B. The inability of existing streets and roads to handle the additional traffic;

C. The existence of many building sites not satisfying minimum parcel size requirements;

D. The potential impact on the unique flora and fauna in the area;

E. The potential excessive demand on essential services such as fire protection, police protection, solid waste disposal, and road maintenance.

F. The potential impact on natural terrain and drainage features, and loss of essential open space and scenic areas; and

WHEREAS, the County of Mariposa has determined it is necessary to amend its zoning ordinance to carry out the intent of the Specific Plan.

NOW THEREFORE, the Board of Supervisors of Mariposa County, a political subdivision of the State of California, hereby ordains as follows:

SECTION I: Chapter 17.06 is amended by adding the following sections to read as follows:

17.06.020 Maps included in text by reference. To effectively implement the policies of the Wawona Specific Plan, the contents of the plan and maps, and all amendments thereto are hereby adopted and included by reference as part of this title, pursuant to Sections 65800 et seq. of the Government Code, as though they were fully set forth herein.

A. All districts set forth in the plan shall be known as principal zoning districts.

B. Specific standards or provisions within any principal district may be modified or supplemented when said principal district is combined with a combining district.

C. Any combining districts set forth in the Plan shall be known as overlay districts.

D. Boundaries of all districts may be modified in accordance with the provisions of this title provided that any district boundary shall conform with the Wawona Specific Plan Land Use Map. For the purpose of implementing this provision, the Wawona Specific Plan Land Use Map, as contained in the Wawona Specific Plan and duly adopted as such in accordance with the provisions of state law, shall be designated as the District Zoning Map for the Wawona Town Planning Area. Any amendment or revision in the Land Use Map shall be processed as an amendment to this title in accordance with the provisions of this title.

E. Zoning districts established by this ordinance which are not a part of the existing Wawona Specific Plan will require amendments to that plan in order to implement their provisions.

F. Within the area designated as the Wawona Town Planning Area, approval of all building permits, site plans, development plans, conditional use permits and subdivisions shall be consistent with that adopted specific plan. This interim land use policy shall remain in effect until such time as comprehensive zoning regulations are adopted to implement those plans. In instances where there is a conflict between existing zoning standards and a specific plan, the standards of the specific plan shall govern. In instances where there is a conflict in administrative provisions, the existing ordinance shall prevail.

17.06.030 Interpretation of land use district boundaries.

Where uncertainty exists as to the boundaries of the aforesaid districts as adopted and made a part hereof, the Planning Department, upon written application or upon its own motion, shall determine the location of such

boundaries by reference to all available pertinent data and maps. In making such determination, unless the contest otherwise indicates, the following rules shall apply:

A. Where a boundary is shown as approximately following a lot line, the lot line shall be considered to be the boundary.

B. Where a land use category applied to a parcel of land is not shown to include an adjacent street or alley, the category shall be considered to extend to the center line of the right-of-way.

C. Where any district boundaries are indicated as approximately following a legally definable section, half section, quarter section, quarter-quarter section or other divisible portion of an established section or project section line, such lines shall be construed to be the boundary of said district.

D. Where a boundary is indicated as approximately following a physical feature such as a stream, drainage channel, topographic contour line, power line, railroad right-of-way, street or alleyway, the boundary location shall be determined by the Planning Department, based upon the character of the particular feature used as a boundary.

E. Whenever any street, alley or other public right-of-way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public right-of-way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

F. All areas within the unincorporated area of the county which are under water and are not shown as included within any district

shall be subject to all of the regulations of the district which immediately adjoins the submerged area.

G. In cases of large ownerships containing separate land use categories unrelated to lot lines or terrain features, the precise location of boundaries may be determined through review and approval by the Planning Commission.

17.06.040 Compliance with Ordinance. Except as may otherwise be specifically provided, all land uses shall be in compliance with this Title as follows:

A. No site, building or structure shall be erected, altered, enlarged, used, or be designated to be used for any purpose other than those uses and purposes included in this title.

B. No deed or conveyance of any portion of a parcel or lot shall be made which reduces the dimensions of the parcel or lot, minimum setbacks, off-street parking, or other minimum requirements applicable to the site and use below the minimum requirements of this title.

17.06.050 Consistency with General Plan and Specific Plans.

A. Approval of rezoning, design and site plans, development plans, subdivision plans, and review of use permits pursuant to this Title shall be based on a finding that said approval is compatible with the: policies, goals, objectives, programs, and standards of the Mariposa County General Plan, and with any applicable Specific Plan adopted by the Mariposa County Board of Supervisors. Applications for rezoning, design and site development review, use permit or subdivision shall be denied if found to be inconsistent with the Mariposa County General Plan or with the applicable Specific Plan.

B. Secondary dwelling shall not be allowed within the Wawona T.P.A.. In this area, secondary units are deemed to be incompatible with existing development. The density increase resulting from secondary units would create adverse cumulative effects on essential community services and natural features. Such services and features include but are not limited to water supplies, storm drainage facilities, roadway traffic capacities, and sewage disposal systems.

17.06.060 Fees. The Mariposa County Board of Supervisors shall by resolution, establish a schedule of fees for processing the various applications required by this Title. No application shall be considered complete and ready for processing until the required fees have been paid to the County of Mariposa.

17.06.070 Site Plan Required. A site plan shall be submitted to and approved by the Mariposa County Planning Department prior to the issuance of a building permit, commencement of, or change in any commercial or industrial use. All applications shall be reviewed and a preliminary site inspection made by the Mariposa County Planning Department for conformance with the provisions of this Title prior to the issuance of a building permit. All site plan reviews shall be completed within forty-five (45) days of submittal, provided that the site plan conforms with the provisions of this Title.

17.06.080 Interpretation by the Planning Director. The Planning Director shall make interpretations:

A. Where a proposed land use is not specifically listed as permitted, the Planning Director will review the proposed use when requested to do so in writing and, based upon the characteristics of the use, determine if the use proposed is equivalent to those permitted.

B. Upon a written determination by the Planning Director that a proposed unlisted use is equivalent in its nature and intensity to a permitted use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required and what standards affect its establishment.

17.06.090 Single Family Dwelling Site Plans. Site plans for single family dwellings shall be submitted to the Planning department. These site plans shall at a minimum contain the following:

- A. Plot plan showing location of dwelling with distance to lot lines, streets, etc;
- B. Location of other buildings, both existing and proposed on the affected legal parcel of land;
- C. Location of existing or proposed septic tank and leach field or sewer laterals;
- D. Source of existing or proposed water supply;
- E. Significant terrain features such as streams, water courses or springs;
- F. Proposed on-site parking areas;
- G. Existing or proposed means of access, location, width and type. An approved encroachment permit from the California Department of Transportation or the Mariposa County Road Department may be required.

17.06.100 Commercial, Industrial, or Multi-Family Dwelling Site Plans: Site plans for commercial, industrial, or multi-family dwellings shall at a minimum contain the following:

- A. Parcel or lot dimensions;
- B. All buildings, existing and proposed, their locations, size, height, and proposed use;

- C. Fences, walls, their location, height and materials;
- D. On-site parking; location, number of spaces, size and type of spaces, intended circulation path;
- E. Access; pedestrian, vehicle, service;
- F. Loading areas, drive-in or drive through facilities;
- G. Landscaping;
- H. Signs: Locations, sizes, heights, and types;
- I. Public rights of ways, easements, recreation/open space areas existing or proposed;
- J. Grading and drainage plans;
- K. Outdoor storage areas, location of outdoor lighting and truck storage or equipment storage areas if applicable;
- L. Existing or proposed water and wastewater treatment facilities;
- M. Existing or proposed means of access, location, width and type. An approved encroachment permit from the California Department of Transportation or the Mariposa County Road Department may be required.

17.06.110 Site Plan Processing Procedures. This section applies to new construction or modifications of existing structures requiring a building permit:

- A. The applicant shall apply to the Mariposa County Building Department for site plan review and approval. The Building Official shall forward the application to the Planning Department.
- B. The Planning Commission or Planning Department, as appropriate, shall:
 - 1. Approve the application;

2. Disapprove the application if it does not comply with this Title;

3. Conditionally approve the application stating conditions necessary to satisfy requirements of this Title;

4. Return the application to the Building Official for the necessary action due to inadequate, illegible or otherwise insufficient information required pursuant to this Title.

SECTION II: This ordinance shall become effective thirty days from the date of final passage pursuant to Government Code Section 25123.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 20th day of October, 1987 by the following vote:

AYES: BAGGETT, DALTON, ERICKSON, RADANOVICH

NOES: NONE

EXCUSED: TABER

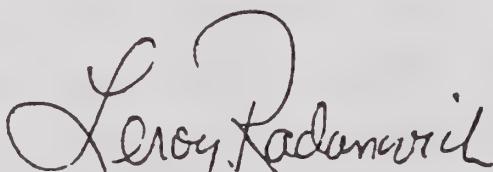
ABSTAINED: NONE

ATTEST:

MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Jeffrey G. Green
JEFFREY G. GREEN, COUNTY COUNSEL


LEROY RADANOVICH, Chairman
Mariposa County Board of Supervisors

Chapter 2.54WAWONA APPEALS BOARDSECTIONS:

- 2.54.005 Authority, purpose, and intent.
- 2.54.010 Staff support.
- 2.54.020 Membership.
- 2.54.030 Term, nomination, and appointment.
- 2.54.040 Removal from office or vacancy.
- 2.54.050 Absence from meeting.
- 2.54.060 Meetings--Place and time.
- 2.54.070 Appointment of chairman and vice-chairman.
- 2.54.080 Adoption of rules.
- 2.54.090 Duties and powers.
- 2.54.100 Quorum.
- 2.54.110 Duties of chairman.
- 2.54.120 Vice-chairman.
- 2.54.130 Secretary.
- 2.54.140 Scope of matters to be considered by the Board of Appeals.
- 2.54.150 Applications--Fees.
- 2.54.160 Referrals to the Board of Appeals.
- 2.54.170 Hearing--Burden of proof.
- 2.54.180 General standards to consider.
- 2.54.190 Time and manner of Board decision.
- 2.54.200 Time limit on re-application for same matter.
- 2.54.210 Land use permits--Expiration.

2.54.005 Authority, Purpose and Intent.

The Wawona Board of Appeals is established pursuant to Sections 65900-65904 of the Government Code for the purpose of implementing the policies, procedures and standards of the Wawona Specific Plan. It's intent is to further the cooperative effort between the National Park Service and Mariposa County in the Wawona area, and it shall have jurisdiction only within the Town Planning Area. (Ord. 770 Sec.1, 1990).

2.54.010 Staff support.

A. Secretarial support to the Appeals Board shall be provided by the secretary to the Planning Commission, and responsibilities shall include the preparation of public notices, agendas, staff reports and minutes.

B. Technical support to the Appeals Board shall be provided by Mariposa County Planning Department, and responsibilities shall include the preparation of special reports, planning documents, and obtaining of such information as the board deems necessary for the discharge of its responsibilities. (Ord. 770 Sec.1, 1990).

2.54.020 Membership.

The Wawona Board of Appeals shall consist of five (5) members as follows:

The Supervisor whose district includes the private sector of Section 35; One (1) record property owner of private land in Section 35 to be selected by the Board of Supervisors of Mariposa County; Two (2) employees of the National Park Service selected by the Superintendent of Yosemite National Park; and one (1) Mariposa County resident mutually selected by the Board of Supervisors and the Superintendent of Yosemite National Park. (Ord. 770 Sec.1, 1990).

2.54.030 Term, nomination, and appointment.

The term of each member of the Appeals Board shall be two (2) years. The Board of Supervisors and the Park Superintendent shall nominate one or more candidates for the public member and alternate public member. Appointment by the Appeals Board shall be at a special meeting scheduled solely for that purpose. (Ord. 770 Sec.1, 1990).

2.54.040 Removal from office or vacancy.

A member of the Appeals Board may be removed by a majority vote of the Board of Supervisors with approval by the Park Superintendent. A vacancy is filled in the same manner as the original appointment. A person appointed to fill a vacancy serves for the remainder of the un-expired term. (Ord. 770 Sec.1, 1990).

2.54.050 Absence from meeting.

A. If a member of the Appeals Board is absent without cause from three (3) successive meetings of the Board, the office becomes vacant automatically. The vacancy is to be filled in the same manner as the original appointment.

B. A member is not absent without cause if his absence is (1) due to illness or (2) unavoidable and the member either prior to or within forty-eight hours after the meeting gives the secretary of the Board written notice that he will be absent and giving the reason for the absence. (Ord. 770 Sec.1, 1990).

2.54.060 Meetings--Place and time.

The meeting place of the Board of Appeals shall be at the Wawona Community Building, or at such other location approved in advance by the Appeals Board. The Appeals Board shall meet only as necessary to consider matters scheduled by the secretary to the Board. All meetings shall be held in accordance with Government Code Sections 54950-54961. (Ord. 770 Sec.1, 1990).

2.54.070 Appointment of chairman and vice-chairman.

The Appeals Board shall elect a chairman and vice-chairman from among its members. The chairman and vice-chairman serve for a term of one (1) year and until the successor of each is appointed and qualified. (Ord. 770 Sec.1, 1990).

2.54.080 Adoption of rules.

The Appeals Board shall adopt rules for the transaction of its business and shall keep a public record of its resolutions, transactions, findings and determinations. (Ord. 770 Sec.1, 1990).

2.54.090 Duties and powers.

The Appeals Board shall serve as an advisory body to the Mariposa County Board of Supervisors on all issues heard by the Appeals Board. (Ord. 770 Sec.1, 1990).

2.54.100 Quorum.

Three (3) members of the Appeals Board shall constitute a quorum for the transaction of business. (Ord. 770 Sec.1, 1990).

2.54.110 Duties of chairman.

The chairman shall preside at all meetings of the Board. He shall perform all the duties necessary or incidental to his office. (Ord. 770 Sec.1, 1990).

2.54.120 Vice-chairman.

The vice-chairman is chairman in the absence or inability of the chairman to act. (Ord. 770 Sec.1, 1990).

2.54.130 Secretary.

The secretary shall keep minutes of each meeting and shall record each hearing and official action. The secretary shall examine incoming mail for proper referral and answer correspondence for the Board. The secretary shall maintain records of operations and shall perform such other duties as the Board may assign. (Ord. 770 Sec.1, 1990).

2.54.140 Scope of matters to be considered by the Board of Appeals.

The Appeals Board shall hear and make recommendations on:

A. An appeal of a Planning Commission action on a variance application;

B. An appeal of a Planning Commission action on a Conditional Use Permit application.

C. An appeal of a Planning Commission action on a Subdivision application;

D. National Park Service objections to the issuance of a building permit or permits. (Ord. 770 Sec.1, 1990).

2.54.150 Applications--Fees.

The fee for appeals, and all other matters covered by this chapter shall be set by resolution, approved by the Board of Supervisors. (Ord. 770 Sec.1, 1990).

2.54.160 Referrals to the Board of Appeals.

When a matter requires a review by the Appeals Board, it shall be filed with the secretary to the Board, who shall endorse the date of receipt and set the matter for hearing. Notice shall be provided as required by state law and county code. (Ord. 770 Sec.1, 1990).

2.54.170 Hearing--Burden of proof.

The Appeals Board shall hear all persons interested in the matter. The applicant or petitioner bears the burden of proof and shall offer competent evidence in support of his application or petition. (Ord. 770 Sec.1, 1990).

2.54.180 General standards to consider .

In considering an appeal, or other matter within the Wawona Town Planning Area, the Board shall consider:

- A. The health, safety and welfare of the residents of Wawona;
- B. The orderly development of the property in Wawona;
- C. The preservation of property values;
- D. The effect on the neighborhood;
- E. The likelihood of a nuisance being created;
- F. The effect on the general plan of the county;
- G. Special conditions or exceptional characteristics of the property and its location or surroundings, such as the effects on the wild and scenic Merced River or other natural and cultural values;
- H. The effect upon the purposes for which Yosemite National Park was established; and,
- I. Any other relevant matters related to building or zoning. (Ord. 770 Sec.1, 1990).

2.54.190 Time and manner of Board decision.

After hearing and considering the evidence, the Appeals Board shall make its findings and have them entered in the minutes of the Board and shall forward its findings with a recommendation to the Board of Supervisors for final action by the Board of Supervisors. (Ord. 770 Sec.1, 1990).

2.54.200 Time limit on re-application for same matter.

If the Board of Supervisors denies an application or request, the applicant or his successor in interest may not file a new application or request for substantially the same thing for a period of six (6) months from the date the Board of Supervisors takes action. (Ord. 770 Sec.1, 1990).

2.54.210 Land use permits--Expiration.

A land use permit which is not used within the time specified in the permit, or if no time is specified elsewhere in county code, is void one year after the permit is granted. The land use permit is also void one (1) year after the use for which it is issued is discontinued. (Ord. 770 Sec.1, 1990).

U.C. BERKELEY LIBRARIES



C124916809

